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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,229	02/20/2001	Jouni Matula	30-538	4593

7590

12/10/2001

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EXAMINER

ALVO, MARC S

ART UNIT

PAPER NUMBER

1731

8

DATE MAILED: 12/10/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

8N-8

Office Action Summary	Application No.	Applicant(s)	
	09/763,229	MATULA, JOUNI	
	Examiner	Art Unit	
	Steve Alvo	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 20) <input type="checkbox"/> Other: |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 is rejected under 35 U.S.C. 103(a) as obvious over KAISER in view of SÄMPI et al.

KAISER teaches feeding paper pulp (52) from the white water tank (36) into a gas separation tank (18) and therefrom to a fan pump (32) to the headbox, wherein the pulp is fed into gas separation tank (18) with pump (50). The paper pulp is at a low consistency as it is the fine particles that pass through the paper web as pulp is drained through the wire on the papermachine. The bulk of the pulp stays on the web to form the paper while the fines pass through the wire with the white water. SÄMPI et al teaches that it is known that low consistency pulps can be pumped with propeller pumps, column 1, lines 9-13. It would have been obvious to pump the low consistency pulp of KAISER using the low consistency pump of SÄMPI et al.

Claims 2-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over KAISER in view of SÄMPI et al as applied to claim 1 above, and further in view of VIKIÖ or MAKKONEN.

VIKIÖ teaches (Figures 2-9) the separate treatment of different pulp fractions, including recycle (column 1, lines 43-45 and filler (column 6, line 36), in the short circuit, e.g. the circuit of KAISER is a the short circuit, of a papermaking machine. MAKKONEN teaches separating the pulp from the white water tank to the gas separation tank into separate fractions and then

separately treating each of the fractions. It would have been obvious to the artisan to separately treat different pulp fractions in the short circuit of KAISER in the manner taught by VIKIÖ or MAKKONEN. See VIKIÖ, column 6, lines 20-28 for using a pressure screen. Claim 7 is rejected as it is well known that structures on the same vertical level are easier to feed material to than structures on different levels since it is harder to pump material against gravity, e.g. from the lower to the higher structure. It would have been obvious to the artisan to place the gas separation tank and water tank on the same level to avoid having to pump the material between the two against gravity.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over KAISER in view of SÄMPI et al as applied to claim 1 above, and further in view of MEINANDER.

MEINANDER teaches directly pumping (Figure 3) the pulp from the white water tank to the gas separation tank without passing through special cleaning means. It would have been obvious to eliminate the special cleaning means of KAISER, e.g. hydrocyclones, using the recycle means of MEINANDER.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 the terms “fractions forming the paper”, “filler fraction” and “fiber fraction” do not have an antecedent basis. It is not clear how the fractions are “forming the paper” as they are fed into the white water tank (Instant Figure 2, (10)) and not into the paper machine. Claim 3 the term “e.g. VF, DIP, BR) is indefinite as it is not clear if the claim is limited to pulp or VF, DIP, and BR. Also it is not clear what these initials stand for. Claim 7 the term “special cleaning” is

vague. It is not clear what types of cleaning are not employed. Claim 7 does not have an antecedent basis for "white water tank (100)".

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Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is **(703) 308-2048**. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on 703-308-3837.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **(703) 308-0661**.

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Carolyn E. Johnson, Marshall Gaddis, Bessie Bowie, Lucy Jones.

MSA
December 8, 2001

A handwritten signature in black ink, appearing to read "Steve Alvo", with a stylized, flowing script.

STEVE ALVO
PRIMARY EXAMINER
ART UNIT 1731